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ABSTRACT

This paper discusses the under-identification of Asian-origin students with disabilities and strategies for developing an educational environment sensitive to and supportive of the educational rights of all students with disabilities as guaranteed under the Individuals with Disabilities Education Act. It begins by discussing the unique problems of Asian children with disabilities, including language barriers, the lack of bilingual education programs, and barriers to parental participation. The relevant cultural values prevalent in many Asian countries are also explored, including the role of status in relationships, reserve and privacy, the taboo against complaining, and the stigma of going to court. To assure that Asian children receive a free appropriate public education (FAPE), school personnel are urged to make a sincere effort to extend FAPE to all children by learning the cultures from which their students come and how people of another culture perceive, think, act, and react. Asian special educators are urged to become activists on behalf of Asian children with disabilities, to make themselves known and available to schools in our communities, and to facilitate communication as translators or interpreters between schools and the Asian families. (CR)

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A Free Appropriate Public Education For Asian Origin Students With Disabilities - Cultural Variables

by

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ABSTRACT

According to the Individuals with Disabilities Education Act (IDEA), all children with disabilities between the ages of 3 to 21 are entitled to a free appropriate public education(FAPE). According to IDEA, about 12% of school age children have disabilities. The number of Asian-origin students with disabilities continues to be lower than their proportionate school population. The under-identification of Asian-origin students with disabilities is attributed both to the Asian cultures and the lack of knowledge of Asian cultures among the educators. IDEA, 1997, has an increased emphasis on inclusion of students with disabilities in general education. It has also given the parents of students with disabilities a greater degree of participation and involvement in the education of their children. For many Asian families this participation may not be possible because of their linguistic and cultural differences.

The purpose of this presentation is to assist in the development of an educational environment sensitive to and supportive of the rights of **all** students with disabilities as guaranteed under IDEA. Specific objectives of the proposed presentation are to: (a) Present the relevant cultural values prevalent in many Asian countries, (b) Sensitize educators of the dominant culture of these cultural differences and their effects on the behaviors of students of Asian origin and their families, (c) Articulate the unique problems and needs of Asian-origin students with disabilities and their parents, and, (d) Point out the additional responsibilities of the schools vis-a-vis Asian-origin students with disabilities for providing them a free appropriate public education.

I was raised in Pakistan by a family which migrated from India soon after the partition of the sub-continent. I spent a few years in the Middle East and I have spent most of my life in the U. S. I know the cultures in which I was raised and which I observe. I have only spent a few weeks as a tourist in south Asia and the far east. From what I have seen, there are a number of similarities in the Asian cultures as a whole. However, I do not claim an expertise in the southeastern or far eastern cultures. Therefore, my cultural reference for this presentation is primarily the near eastern and middle eastern parts of Asia. Also, my discussion of the culture in this presentation is limited only to those aspects which are pertinent to the free and appropriate public education of Asian children with disabilities.

The Individuals with Disabilities Education Act (IDEA) guarantees a free appropriate public education to all children with disabilities. The appropriate education is specially designed instruction (SDI) including related services to meet the individual needs of every child with a disability. To receive SDI a child must first be referred, evaluated, and identified as a child with a disability. Often, Asian-origin children are not referred. Teachers fail to refer these children because they perceive the problems to be related to the language difference. Unless children are referred for special education they cannot be evaluated or identified. These children are unidentified because of teachers' misperceptions.

Asian children with disabilities presently attending public schools are either those who are born in North America and have learned the English language, or those who have migrated only recently and are in the process of learning the language. In reality, those who are born in the U. S. of Asian parents, the first generation citizens, do not have a problem in schools emanating from the language difference. However, even when these children are in need of special education, teachers attribute the problem to a language difference and do not refer them for assessment. In other words, teachers' misperceptions result in the denial of their right to be assessed and identified for appropriate intervention.

The other group of children are the recent immigrants who are non-English language (NEL). Their problems are more complex. A determination of whether the child is experiencing learning problems because of a language problem or because the child has a disability poses a very complex problem. Teachers have neither the time nor readily available resources to solve complex problems. The natural solution which comes to mind is to conclude that the child's lack of appropriate progress in school is caused by the language difficulty. For many children who may potentially be in need of special education, this practice again results in denial of their right to be identified.

It should be remembered that a large majority of schools in the U. S. do not provide an ESL or bilingual education program to non-English language children. Almost all teachers in a majority of school buildings are monolingual. Asian minority children are left to learn on their own. And, according to IDEA, "A child may not be determined to be eligible under this part if ___(1) The determinant factor for that eligibility determination is __ (i) Lack of instruction in reading or math; or (ii) Limited English proficiency. IDEA itself makes this child ineligible for consideration.

Now let me turn to the parents of Asian children. Asian immigrant families can also be categorized into two groups. In one group are those who did not know the English language at all prior to their immigration and are just beginning to learn it. In the second group are those who had learned the language prior to their immigration. They are proficient in the English language. The first group is unable to have any interaction with the school. The absence of interaction is not because of disinterest or lack of interest, indifference, or non-cooperation. It is entirely because of their inability to communicate. They cannot initiate or answer a telephone call. They cannot send a note to or read a note from a teacher or any other school personnel. I can tell you some of my very recent personal experiences. We have a refugee family with one school age child. Recently, the child got sick in school. The teacher called the mother to ask her to come and pick up the child. The mother did not understand. All that she could figure out was that she had a call from school. She was terrified and called me. By the time I got to the family's apartment, she was hysteric. Each time the child brings a note from school she gives it to me so I can communicate the information to her with gestures and with the help of an Albanian language dictionary. The desire to communicate and the inability to do so is a very frustrating and scary experience and only those of us who have had personal experiences in this regard can understand it. School personnel do not have the time to develop creative ways to communicate with these families.

The Individuals with Disabilities Education Act encourages a close partnership between the schools and parents of children with disabilities. Language is a major barrier in establishing this partnership. Learning English as a second language does not make a person completely free of the communication barrier. Language is heavily embedded in culture. One needs to know the culture to understand some expressions and phrases. I had studied English and had graduated from an American University before I came to the U. S. But it was not after I had lived in the U. S. for several years that I learned words such as gals, guys, kids, etc. A square was only a geometrical shape for me. I did not know that it had any other meaning. Also, communication is partly verbal and partly non-verbal. People who learn English as a second language read what is written and hear what is said. They do not read between the lines. They read what they see. They are oblivious of what is implied. Body language is another whole area in communication. Body language is very culture-specific. People of other cultures do not read the body language of another culture accurately.

Each country has its own system of education. Asian countries have their own education system. Many Asian countries do not have special education. They do not know what it is and who it is for. They do not identify children with disabilities. They do not know what the word disability means in the school context. And, when they do learn it there are feelings of pity, sadness, grief, and guilt. Disability in their culture is still a stigma and therefore instead of seeking help they conceal it. To my knowledge there is no orientation program for immigrant families to learn about the U. S. education system, to learn what special education is and who are the children who are served by it.

I will now turn to the more subtle elements of Asian culture. The first element is status. Relationships in this culture are based on status. Status is based on age; older people, male or female, command respect and receive submission from the younger ones. Status is also based on

one's knowledge and scholarship. Learned people are held in high esteem. Teachers fall in this category. Teachers are revered both by their students and their parents. Asian families believe that teachers are knowledgeable. They know everything. They know what children need to learn and how children learn. They believe that teachers know what and how to teach their children. These families respect teachers' judgement, their decisions, and their practices. They have complete faith and trust in teachers. They cannot conceive questioning a teacher's judgement and/or their decisions.

Status is also based on one's position of authority. People with authority are held in esteem. Asian culture teaches compliance to authority. People in position of authority are not questioned, confronted, challenged, or contested. The Individuals with Disabilities Education Act has granted extensive rights to parents of children with disabilities. Parents have the right to give informed consent prior to initial evaluation. Parents' permission is required for placement in a special education program. The idea of giving consent to school authorities is not in their cultural framework. It is completely foreign to their culture. Asian parents agree to anything said by a teacher or by a school administrator out of sheer respect for them. They cannot conceive of disagreeing to something proposed by the school because they trust the school personnel.

Culture in this region of Asia is also characterized by its reservedness and privacy. People are reserved in their relationships and friendships. This reservedness is evident in their demeanor and conversations. They speak only when they feel they have something important to say. They listen more than they speak. When they speak they are brief and humble. Even when they do not agree with what has been said they do not argue. They exercise self control and self restraint in expressing their emotions. People keep their personal affairs to themselves and respect the privacy of others. They do not talk to others, including friends, about themselves or their family members.

According to IDEA, an IEP is developed in a committee. The committee consists of teachers, parents, a representative of the local education agency (LEA), the child when appropriate, and others as needed. When Asian parents are in an IEP meeting they feel inadequate because of their language problems, they feel humble sitting with teachers and school administrators because of their cultural upbringing, and they feel duty bound to submit to whatever is recommended by their children's educators because of their cultural background. They do not grasp the idea that they are equal partners in IEP committee meetings, that they have the right to provide input, that they have the right to question and/or that they have the right to agree or disagree with what is being proposed. Even when they feel that what is said at the committee meetings is not right they do not express their feelings out of their respect for the authority of school personnel.

Under IDEA, parents have the right to file a complaint against a school district with regard to identification, evaluation, placement, and/or the provision of an appropriate education. Asian culture encourages silence. Asian parents do not complain. It is taboo in their culture. It is almost like there is virtue in suffering quietly.

The most important right parents have under IDEA is right to a due process hearing. A due process hearing arises out of a conflict. Asian families tend not to engage in conflict. Instead, they withdraw from the conflict situation or deal with it in other ways. Additionally, a due process hearing, in its proceedings, is identical to a court proceeding. In the Asian culture, going

to a court carries a stigma. Regardless of whether the parents represent themselves or they are represented by an advocate, the school district is always represented by an attorney. In Asian culture the criminals and the big corporations engage attorneys. Ordinary law abiding citizens have no business with attorneys. In their wildest imagination Asian parents cannot conceive of filing for a due process hearing, hiring an attorney, and going through a due process hearing. They would rather put their children in private settings and make all the financial sacrifices to support the children's education than file for a due process hearing. When they do not have the means to support their children's education in private settings, they would suffer from the pain and anxiety rather than complain. The culture emphasizes privacy.

Given the afore-mentioned cultural barriers, can Asian children with disabilities be assured a free appropriate public education? I would answer in the affirmative, provided that:

(1) The school personnel make a sincere effort to extend FAPE to all children; school personnel actively learn the cultures from which their students come. And, learning of cultures to me is more than tasting foods and/or collecting stamps from another country, or displaying an artifact from another country on the wall or on the bulletin board. Study of a culture is far more in depth. Learning how people of another culture perceive, think, act, react, is a very long and involved process. It requires that school personnel identify, locate, and establish contact with people of other cultures in their immediate community or region; that they establish communication with them and through formal and informal and on-going interactions learn about their values, mores, traditions, customs, do's and dont's of their culture.

(2) We, the Asian special educators, also have an additional responsibility to our children. We need to become activists on behalf of Asian children with disabilities. We have to make ourselves known and available to schools in our communities. We have to invite ourselves to school buildings as resources. We need to not only facilitate communication as translators or interpreters between schools and the Asian families but we need to actively advocate on their behalf so they receive proper instruction, either bilingual and/or English as a second language (ESL), rather than learn on their own in due time. We have the responsibility to become very closely involved with the Asian families in our communities and educate them about the educational system in North America. Whenever necessary, we need to educate them in special education law and serve as their interpreters and advocates. We need to work with them very closely in accessing the rights granted by IDEA to children with disabilities and their parents. We are living in a highly individualistic society but on behalf of Asian children with disabilities we need to act in a very communal manner.

I served as an impartial due process hearing officer for eighteen years. The most important thing that I learned from this experience is that there is a direct relationship between the provision of a free appropriate public education (FAPE) to a child and the child's parents' knowledge of IDEA, and their involvement in the child's education. I would say that the extent to which a child receives FAPE depends on the extent to which the child's parents know their rights under IDEA and their ability to exercise those rights. In the interest of Asian children with disabilities we, the Asian special educators, need to acculturate Asian families who have children with disabilities to this reality.

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